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SENATE BILL 166

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Joseph J. Carraro

AN ACT

RELATING TO TRADE PRACTICES AND REGULATIONS; LIMITING THE
AMOUNT OF NICOTINE IN CIGARETTES IN THE STATE OF NEW MEXICO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 57-2A-3 NMSA 1978 (being Laws 2000,
Chapter 77, Section 3) is amended to read:

"57-2A-3. PROHIBITED CONDUCT.--It is unlawful for a
person to:

A. sell or distribute in this state; acquire, hold,
own, possess or transport for sale or distribution in this
state; or ~~[to]~~ import, or cause to be imported, into this state
for sale or distribution in this state:

(1) after January 1, 2010, cigarettes with
greater than three-tenths milligram of nicotine per gram of
tobacco in the cigarette rod;

underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 [~~1~~] (2) cigarettes, the package of which:

2 (a) bears a statement, label, stamp,
3 sticker or notice indicating that the manufacturer did not
4 intend the cigarettes to be sold, distributed or used in the
5 United States, including labels that state: "for export only",
6 "U.S. tax exempt", "for use outside U.S." or similar wording;
7 or

8 (b) does not comply with: 1) all
9 requirements imposed by or pursuant to federal law regarding
10 warnings and other information on packages of cigarettes
11 manufactured, packaged or imported for sale, distribution or
12 use in the United States, including the precise warning labels
13 specified in 15 USCA 1333; and 2) all federal trademark and
14 copyright laws;

15 [~~2~~] (3) cigarettes imported into the United
16 States on or after January 1, 2000 in violation of 26 USCA
17 5754, any other federal law or federal implementing
18 regulations;

19 [~~3~~] (4) cigarettes that the person acting in
20 regard thereto otherwise knows or has reason to know the
21 manufacturer did not intend to be sold, distributed or used in
22 the United States; or

23 [~~4~~] (5) cigarettes for which there has not
24 been submitted to the secretary of the United States department
25 of health and human services the list or lists of the

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1 ingredients added to tobacco in the manufacture of those
2 cigarettes as required by 15 USCA 1335a;

3 B. alter the package of any cigarettes prior to
4 sale or distribution to the ultimate consumer by removing,
5 concealing or obscuring:

6 (1) a statement, label, stamp, sticker or
7 notice described in Subparagraph (a) of Paragraph [~~(1)~~] (2) of
8 Subsection A of this section; or

9 (2) a health warning that is not specified in,
10 or does not conform with, the requirements of 15 USCA 1333; or

11 C. affix a stamp required [~~pursuant to~~] by the
12 Cigarette Tax Act to a package of cigarettes described in
13 Subsection A of this section or altered in violation of
14 Subsection B of this section."